

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIGITTE STELZER,)
)
 Plaintiff,)
)
 v.) Civil Action No. 3:19-cv-547-jdp
)
 RICH MEDIA GROUP, LLC,)
)
 Defendant.)

**ANSWER AND AFFIRMATIVE DEFENSES
OF DEFENDANT RICH MEDIA GROUP, LLC**

Defendant Rich Media Group, LLC, by its undersigned counsel, and for its Answer to the Plaintiff's Complaint, states:

NATURE OF ACTION

1. Answering paragraph 1 of the Complaint, Defendant states the paragraph sets forth one or more legal conclusions to which no response is required; to the extent paragraph 1 contains factual allegations, they are denied.

JURISDICTION AND VENUE

2. Answering paragraph 2 of the Complaint, Defendant states the paragraph sets forth one or more legal conclusions to which no response is required; to the extent paragraph 2 contains factual allegations, they are denied.

3. Defendant states that paragraph 3 of the Complaint sets forth one or more legal conclusions to which no response is required.

4. Defendant states that paragraph 4 of the Complaint sets forth one or more legal conclusions to which no response is required.

PARTIES

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5, and therefore denies them.

6. Defendant admits the allegations in the first sentence of paragraph 6, and denies the paragraph's remaining allegations.

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photographs

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7, and therefore denies them.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8, and therefore denies them.

9. Answering paragraph 9, Defendant states that the paragraph sets forth one or more legal conclusions to which no response is required; to the extent that the paragraph contains factual allegations, Defendant is without knowledge or information sufficient to form a belief as to their truth, and therefore denies them.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10, and therefore denies them.

B. Defendant's Infringing Activities

11. Denied.

12. Denied.

FIRST CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)
(17 U.S.C. §§ 106, 501)

13. Defendant restates and incorporates its response to paragraph 1 through 12 as if fully set forth.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

SECOND CLAIM FOR RELIEF
INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION AGAINST
DEFENDANT
(17 U.S.C. §§ 1202)

20. Defendant restates and incorporates its response to paragraph 1 through 19 as if fully set forth.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

AFFIRMATIVE DEFENSES

AS AND FOR its Affirmative Defenses, Defendant Rich Media Group, LLC states:

1. One or more of Plaintiff's claims fail to state a claim upon which relief may be granted.
2. Defendant does not publish the website upon which the allegedly infringing material appeared.
3. Defendant did not produce the video that contained allegedly infringing material.
4. Plaintiff has failed to mitigate her claimed damages.
5. Plaintiff's claims may be barred, in whole or in part, by the doctrines of waiver and/or estoppel.

WHEREFORE, Defendant Rich Media Group, LLC demands judgment as follows:

- A. Dismissing the Plaintiff's Complaint, with prejudice;
- B. Awarding Defendant its costs and disbursements of this action, including attorney's fees as allowed by law; and
- C. Such other and further relief as the Court deems appropriate.

Dated this 31st day of July, 2018.

HURLEY BURISH, S.C.
Attorneys for Rich Media Group, LLC

/s/ Andrew W. Erlandson

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